

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (k), (New Orleans lot) it contained a chemical preservative and failed to bear labeling stating that fact.

DISPOSITION: August 29 and October 25, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

10614. Adulteration of canned, diced peaches and pears. U. S. v. 1,496 Cases * * *. (F. D. C. No. 18006. Sample No. 9781-H.)

LIBEL FILED: October 17, 1945, Western District of New York.

ALLEGED SHIPMENT: On or about September 1, 1945, by Flotill Products, Inc., from Stockton, Calif.

PRODUCT: 1,496 cases, each containing 24 1-pound, 13-ounce cans, of diced peaches and pears at Hornell, N. Y. Examination showed that the product was undergoing active fermentation.

LABEL, IN PART: "Flotill Diced Peaches and Pears."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: October 19, 1945. Flotill Products, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law by the segregation of the fit from the unfit portion, under the supervision of the Food and Drug Administration.

10615. Adulteration of canned, diced peaches and pears. U. S. v. 410 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 18046, 18110, 18722. Sample Nos. 9791-H, 24909-H, 35130-H.)

LIBELS FILED: Between October 26 and December 20, 1945, Eastern District of Missouri, Southern District of Texas, and Western District of Pennsylvania.

ALLEGED SHIPMENT: Between the approximate dates of August 24 and September 1, 1945, by Flotill Products, Inc., from Modesto and Stockton, Calif.

PRODUCT: 410 cases at St. Louis, Mo., 89 cases at Erie, Pa., and 45 cases at Houston, Tex., each case containing 24 1-pound, 13-ounce cans, of diced peaches and pears. Examination showed that the product was undergoing active decomposition.

LABEL, IN PART: "Flotill Diced Peaches and Pears."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: On November 26 and December 28, 1945, the General Grocer Co., claimant for the St. Louis lot, and Flotill Products, Inc., claimant for the Erie lot, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The unfit portion was segregated and destroyed. On January 28, 1946, no claimant having appeared for the Houston lot, judgment of condemnation was entered and this lot of the product was ordered destroyed.

10616. Misbranding of canned pears. U. S. v. 138 Cases * * *. (F. D. C. No. 17975. Sample No. 1206-H.)

LIBEL FILED: October 18, 1945, Middle District of Georgia.

ALLEGED SHIPMENT: On or about August 13, 1945, by the Havana Canning Co., from Havana, Fla.

PRODUCT: 138 cases, each containing 24 1-pound, 13-ounce cans, of pears at Albany, Ga.

LABEL, IN PART: "Le-Ko Brand Pineapple Pears."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article fell below the standard of quality for canned pears since it failed to meet the test for tenderness prescribed in the standard, more than 20 percent of the units in the container were blemished, all pear units were not untrimmed or so trimmed

as to preserve their normal shape, and the label failed to bear, in such manner and form as specified by the regulations, a statement that the product was substandard.

DISPOSITION: November 15, 1945. The Timberlake Grocery Co., Albany, Ga., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

10617. Adulteration of canned prunes. U. S. v. 406 Cases * * * (and 3 other seizure actions). (F. D. C. Nos. 17515, 17516, 17519, 19384. Sample Nos. 27895-H, 58202-H, 58203-H, 58219-H, 58253-H.)

LIBELS FILED: March 13, 14, and 28, 1946, District of Montana.

ALLEGED SHIPMENT: Between the approximate dates of February 19 and December 18, 1945, by the Stayton Canning Co., from West Stayton, Oreg.

PRODUCT: Canned prunes. 588 cases at Butte, 31 cases at Missoula, and 83 cases at Havre, Mont. Three of the lots were found to contain prunes damaged with brown rot, and 1 lot contained insect-damaged and decomposed prunes.

LABEL, IN PART: "Springwater Brand Fresh Oregon Prunes * * * Packed by Springbrook Packing Co. Cooperative Springbrook, Oregon," or Santiam Brand * * * Prune Plums [or "Machine Pitted Prunes"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy or decomposed substance.

DISPOSITION: September 27, 1946. No claimant having appeared for any of the lots, judgments of condemnation were entered and the product was ordered delivered to a public institution, for use as hog feed.

10618. Misbranding of canned fruit cocktail. U. S. v. 398 Cases * * *. (F. D. C. No. 18056. Sample No. 30780-H.)

LIBEL FILED: On or about November 6, 1946, District of Montana.

ALLEGED SHIPMENT: On or about October 5, 1945, by the Val Vita Food Co., San Francisco, Calif., and Hunt Foods, Inc., Hayward, Calif.

PRODUCT: 398 cases, each containing 24 cans, of fruit cocktail at Missoula, Mont.

LABEL, IN PART: "Val Vita Brand Fancy Fruit Cocktail In Light Syrup Net Contents 1 Lb. 13 Oz. Packed For Val Vita Food Co. San Francisco, California."

NATURE OF CHARGE: Misbranding, Section 403 (h) (2), the article purported to be and was represented as canned fruit cocktail, a food for which a standard of fill of container has been prescribed by the regulations, but it fell below such standard since there was not present in the container a fill such that the total weight of drained fruit was not less than 65 percent of the water capacity of the container, the minimum permitted by the standard; and its label failed to bear a statement that it fell below such standard.

DISPOSITION: April 1, 1946. Hunt Foods, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

10619. Misbranding of canned fruit cocktail. U. S. v. 347 Cases * * *. (F. D. C. No. 19007. Sample No. 27876-H.)

LIBEL FILED: January 30, 1946, District of Montana.

ALLEGED SHIPMENT: On or about October 19, 1945, by Hunt Foods, Inc., from Hayward, Calif.

PRODUCT: 347 cases, each containing 24 1-pound, 12 ounce cans, of fruit cocktail at Butte, Mont. Examination showed that the article was not fancy because of the presence of pear core, stems, and some peel, and an excessive percentage by weight of peach and pear units which were off-size and shape. The product failed to meet the standard of quality for canned fruit cocktail, since it contained pear peel in excess of 1 square inch per pound, blemished cherries in excess of 15 percent of the cherry units present, and in some cans over 20 percent by weight of peach and pear units which were off-size or shape.

LABEL, IN PART: "Val Vita Brand Fancy Fruit Cocktail."